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EXAMINER

DOAN, PHUOC HUU

ART UNIT PAPER NUMBER

2687

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/848,939

Applicant(s)

DATE ET AL.

Examiner

PHUOC H. DOAN

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-15 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-4, and 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cooper (US Pub No: 2003/0014561)** in view of **Kureshy (US Pub No: 2002/0152268)**.

As to **claim 1**, Cooper discloses a wireless communication device comprising (col. 5, par. [0039]): a data storage area comprising instructions executable by the wireless communication device and a plurality of device drivers corresponding to a plurality of hardware components (col. 1, par. [0012] “**associated with a particular hardware device, such as display adapter 160**”); a modular hardware detector configured to detect a new hardware component connected to the wireless communication device to replace a previous hardware component having a previous device driver of the plurality of device drivers (col. 4, par. [0037] “**allowing the device driver to continue to support new devices**”), the modular hardware detector further configured to query the new hardware component to

obtain **profile information** from the new hardware component (col. 3, par. [0024], [0029] “**for providing a device identifier**”); a runtime engine configured to receive the profile information for the new hardware component from the modular hardware detector and to compile a request for a new device driver for the new hardware component (col. 1, par. [0004], [0012]). However, Cooper does not specifically disclose **a runtime engine** configured to receive the profile information, the request having a **data payload** comprising at least a portion of the profile information.

In the same field of invention, Kureshy specifically discloses **a runtime engine** configured to receive the profile information (col. 10, par. [0086]), the request having a **data payload** comprising at least a portion of the profile information (col. 5, par. [0046]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a runtime engine and a data payload as taught by Kureshy to the system of Cooper in order to has a mobile device can utilize server-based application as a software distribution tool to provide **executable instructions** that allow the mobile device to offer additional software applications.

As to **claim 2, 13**, Kureshy further discloses the system of claim 1, further comprising a server **opcode library** “**is a software application is required access**

to any API libraries; in particular loaded onto a mobile device that was inherently” in the data storage area (col. 6, par. [0052]), the server opcode library comprising server operation codes corresponding to instructions executable by a remote server (col. 6, par. [0052], [0054]).

As to claim 3, Kureshy further discloses the system of claim 2, further comprising a handset opcode library housed in the data storage area, the handset opcode library comprising device operation codes corresponding to instructions executable by the wireless communication device (col. 5, par. [0042-0046]).

As to claim 4, Cooper further discloses the system of claim 1, wherein the profile information comprises **an identifier** that uniquely identifies the new hardware component (col. 2, par. [0019-0020]).

As to claim 7, Cooper discloses a method for field replacement of a previous hardware component in a wireless communication device “col. 5, par. [0039], **such as a cellular phone**”, comprising: detecting a presence of a new hardware component in the wireless communication device (col. 1, par. [0004], [0011-0013]), the new hardware component replacing a previous hardware component having a previous device driver (col. 3, par. [0024-0026]); querying the new hardware component to obtain profile information for the new hardware component (col. 4, par. [0037]);, wherein the response comprises an executable

device driver for the new hardware component and installation instructions (col. 5, par. [0039]).

However, Cooper does not specifically disclose sending a request to an update server via a wireless communication network, the request comprising at least a portion of the profile information; and receiving a response from the update server via the wireless communication network.

In the same field of invention, Kureshy specifically discloses sending a request to an update server via a wireless communication network (col. 5, par. [0046]), the request comprising at least a portion of the profile information (col. 7, par. [0059]); and receiving a response from the update server via the wireless communication network (col. 6, par. [0052-0053]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a sending a request to an update server via a wireless communication network as taught by Kureshy to the system of Cooper in order to ensure routing and delivery from/to server-based application in wireless communication network.

**As to claim 8**, Cooper further discloses the method of claim 7, further comprising the steps of: installing the executable device driver (col. 1, par. [0005]); and configuring the new hardware component (col. 4, par. [0037]).

**As to claim 9**, Cooper further discloses the method of claim 7, wherein the profile

information comprises an identifier that uniquely identifies the new hardware component (page 2, par. [0020], page 3, par. [0029]).

**As to claim 10**, Kureshy further discloses the method of claim 9, wherein the request sent to the update server comprises the identifier (col. 7, par. [0059], [0066]).

**As to claim 11**, Kureshy further discloses the method of claim 7, wherein the detecting step is initiated by at least one of a power on sequence and a user request (col. 9, par. [0081]).

**As to claim 12**, the combination of Cooper and Kureshy further disclose the method of claim 7, wherein the sending step further comprises: compiling a server instruction set having a corresponding data payload (col. 5, par. [0046] of Kureshy); including an identifier for the new hardware component in the data payload (col. 7, par. [0059], [0066] of Kureshy); and sending the server instruction set and the data payload to the update server (page 5, par. [0046-0048] of Kureshy).

**As to claim 14**, the combination of Cooper and Kureshy further discloses the method of claim 7, wherein the receiving the response from the update server step further comprises (col. 1, par. [0009] of Kureshy): receiving a handset instruction set having a sequence of operation codes and a corresponding data payload (col. 5,

par. [0042], [0046] of Kureshy); extracting the corresponding data payload (col. 5, par. [0047] of Kureshy), wherein the corresponding data payload comprises the executable device driver (col. 7, par. [0059] of Kureshy); translating the sequence of operation codes into a set of executable instructions comprising the installation instructions (Fig. 5, col. 7, par. [0059] of Kureshy); and executing the set of executable instructions to install the executable device driver (col. 1, par. [0005], [0012] of Cooper).

**As to claim 15**, Kureshy further discloses the method of claim 14, wherein the executing the set of executable instructions step is carried out within a runtime engine operating on the wireless communication device (col. 10, par. [0086]).

***Allowable Subject Matter***

3. Claim 20 is allowed.

**As to claim 20**, the prior art of record in alone, or combination do not disclose a method for interchanging a plurality of hardware components on a wireless communication device, comprising the steps of: providing a data storage area for storing instructions executable by the wireless communication device and for storing a plurality of device drivers corresponding to a plurality of hardware components; replacing a previous hardware component having a previous device



driver of the plurality of device drivers with the new hardware component;  
detecting the new hardware component utilizing a modular hardware detector;  
querying the new hardware component utilizing the modular hardware detector to  
obtain profile information from the new hardware component; providing a runtime  
engine configured to receive the profile information for the new hardware  
component from the modular hardware detector and to compile a request to an  
update server coupled to a wireless communications network for a new device  
driver for the new hardware component, the request having a data payload  
comprising at least a portion of the profile information; receiving a response from  
the update server via the wireless communication network, wherein the response  
comprises an executable device driver for the new hardware component; and  
storing the executable device driver in the data storage area.

4. Claims **5-6, and 16-19** are objected to as being dependent upon a rejected  
base claim, but would be allowable if rewritten in independent form including all  
of the limitations of the base claim and any intervening claims.

As to claim **5, 16, 18**, the prior art of the record do not disclose the system of claim  
1, wherein the modular hardware detector is further configured to obtain a size of  
the previous device driver and to obtain a size of the new device driver for the new

hardware component to determine the need to allocate space in the data storage area for the new device driver.

Dependent Claims 6, 17, and 19 are allowed by virtue of the dependency on claim 5, 16, and 18.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lagosanto (US Pub No: 2002/0083142) discloses "Generic communication filters for distributed applications".

Kovacevic (US Pub No: 2002/0170039) discloses "System for operating system and platform independent digital stream handling and method thereof".

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER G. KINCAID can be reached on 571-272-7922.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuoc Doan  
01/13/06



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